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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,827	07/11/2001	Daniel M. Humes	YAK 365	1388
23581	7590	11/18/2003	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			ROYAL, PAUL	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application N .	Applicant(s)	
	09/903,827	HUMES, DANIEL M.	
	Examiner	Art Unit	
	Paul Royal	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-11 and 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed 16 June 2003, with a Certificate of Mailing dated 12 June 2003 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 18 March 2002 has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Stowe (US 5,039,120).

Stowe teaches a hitch assembly for mounting on a bicycle having a frame (11), a seat (14) mounted on a seat post (12), front (not shown) and rear (20) wheels and a rear hub/axle (19), the hitch assembly for connection to the tongue (51) of a trailer, the hitch assembly comprising:

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a hitch unit (42) mounted to the bicycle above it's rear wheel, rotatable about a substantially vertical first pivot axis, the hitch unit adapted for connection to the trailer's tongue (51) to enable the tongue to pivot about a substantially horizontal pivot axis;

a support structure (21,22,28,41) connected to the bicycle for mounting the hitch unit (42) above the rear wheel (20) so that the first pivot axis is maintained substantially vertical; and

a stabilizer (50) detachable and pivotally connected to the hitch unit (42) and to the bicycle to permit movement of the hitch unit (42) relative to the frame (11) and the seat (14) of the bicycle;

wherein the support structure (21,22,28,41) includes a wheelstay assembly (21,22,28,41) adapted for pivotal connection to a skewer extending through the rear hub/axle assembly (19) of the bicycle;

wherein the stabilizer (50) includes a strut member (40), pivotally connected to the wheelstay assembly (21,22,28,41) and adapted for detachable and pivotal connection to the bicycle, see column 2, lines 41-55.

4. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Stowe (US 5,039,120).

Stowe teaches a hitch assembly for mounting on a bicycle having a frame (11), a seat (14) mounted on a seat post (12), front (not shown) and rear (20) wheels and a rear hub/axle (19), the hitch assembly for connection to the tongue (51) of a trailer, the hitch assembly comprising:

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a wheelstay assembly (21,22,28,41) detachably connected to the rear hub/axle of the bicycle, see column 2, lines 21-31 where it is understood that the wheels of a conventional bicycle are detachable;

a hitch unit (42) mounted on the wheelstay assembly (21,22,28,41) above the rear wheel (20) aligned substantially directly above the rear hub/axle assembly (19), the hitch unit (42) being rotatably journaled to the wheelstay assembly for pivoting about a substantially vertical first pivot axis and adapted for connection to the tongue of the trailer to enable pivoting of the tongue about a substantially horizontal second pivot axis; and

strut member (21,22) connected to the bicycle and to the wheelstay assembly (21,22,28,41) to maintain the wheelstay assembly substantially vertical during up and down movement of the rear wheel relative to the bicycle's seat.

Allowable Subject Matter

5. Claims 2-11 and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

For claims 2-4, the prior art does not show a hitch assembly as recited having a skewer which extends through the rear hub/axle.

For claims 5-11, the prior art does not show a hitch assembly as recited having a lengthwise-adjustable strut member.

For claims 13-16 the prior art does not show a hitch assembly as recited wherein the wheelstay assembly is pivotally connected to the rear hub/axle of the bicycle.

6. Claim 17 is allowed.

The following is an examiner's statement of reasons for allowance: The prior art does not show a hitch assembly as recited having a lengthwise-adjustable strut member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


P. Royal
November 12, 2003

Paul Royal
Examiner
Art Unit 3611


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600